

Message Text

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TO AMEMBASSY NEW DELHI

C O N F I D E N T I A L STATE 266376

FOR SCHNEIDER FROM KUX

E.O. 11652: GDS

TAGS: PFOR, IN

SUBJECT: JHIRAD EXTRADITION CASE

1. YOU WILL BE RECEIVING BY SEPTTEL IN A DAY OR SO THE DEPARTMENT'S REQUEST FOR THE EMBASSY'S CONSIDERED ANSWERS TO SPECIFIC QUESTIONS RAISED IN THE JHIRAD CASE. WITH THE AID OF THE EMBASSY'S RESPONSE AND OTHER INFORMATION GATHERED HERE, WE IN CONJUNCTION WITH L AND D/HA WILL BE MAKING RECOMMENDATIONS TO THE DEPUTY SECRETARY ON THE ASYLUM PETITION AND EXTRADITION CASE. ONE OF THE POINTS WE WILL HAVE TO CONSIDER IS WHETHER JHIRAD WILL, IF RETURNED, BE TREATED AS A DEFENDANT IN A NORMAL CRIMINAL PROSECUTION OR THE EXCEPTIONAL PROCEDURES IN EFFECT UNDER THE EMERGENCY WILL BE APPLIED.

2. REGARDING THIS, WE WILL SHORTLY BE ASKING THE INDIAN EMBASSY FOR CONFIRMATION THAT JHIRAD, IF EXTRADITED TO INDIA, WILL RECEIVE A TRIAL SOLELY FOR THE SPECIFIC OFFENSE (BREACH OF TRUST OF A PUBLIC SERVANT FOR 1600 DOLS) ON
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WHICH US COURTS HAVE FOUND HIM EXTRADITABLE (ARTICLE 7 OF

THE EXTRADITION TREATY). WE WILL ALSO REQUEST CONFIRMATION
THAT RIGHTS NORMALLY AVAILABLE TO A CRIMINAL DEFENDANT IN
INDIAN COURTS WILL BE AVAILABLE TO JHIRAD, AND NONE OF
THESE RIGHTS WILL BE CURTAILED BECAUSE OF THE EMERGENCY. KISSINGER

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